

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
EUGENE C. RIGSTAD, M.D.,	:	
RESPONDENT.	:	ORDER 0001428

Division of Enforcement Case No. 10 MED 211

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Eugene C. Rigstad, M.D.
2500 E. Capitol Dr.
Appleton, WI 54911

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Eugene C. Rigstad, M.D. (DOB April 3, 1959) is duly licensed and currently registered to practice medicine and surgery in the state of Wisconsin under license number 28574. This license was first granted on July 1, 1987.
2. Respondent's last address reported to the Department of Safety and Professional Services is 2500 E. Capitol Dr., Appleton, WI 54911.
3. Respondent's practice specialty is family medicine.

4. At all times relevant, Respondent was employed as a physician at ThedaCare in Appleton, Wisconsin.

5. Ms. A and Respondent first met approximately 20 years ago. Respondent considered Ms. A a personal acquaintance as they spoke occasionally and saw each other in public.

6. Ms. A first presented to Respondent as a patient in February 2003. She sought professional care from Respondent because she felt more comfortable discussing her medical issues with someone she knew personally. Between February 2003 and May 2010, Respondent saw Ms. A as her primary care provider for nineteen scheduled and billed visits.

7. At various times between February of 2003 and May of 2010, Respondent hugged and kissed Ms. A in a clinical setting. In addition, he occasionally expressed terms of affection to her that were not related to any clinical treatment he was providing.

8. On June 21, 2010, Ms. A reported her relationship with Respondent to her psychiatrist, a ThedaCare employee, who reported the situation to ThedaCare management. ThedaCare immediately investigated the report, and on June 28, 2010, suspended Respondent for: (1) hugging patients in a clinical setting; (2) kissing patients in a clinical setting; and (3) expressing terms of affection toward patients while in a physician-patient relationship. The investigation revealed there was a second patient who Respondent had also hugged and kissed in a clinical setting prior to this incident.

9. Respondent cooperated with the ThedaCare investigation and evaluators and admitted to making inappropriate displays of affection to the two patients at various times.

10. On July 2, 2010, as a condition for returning to work at ThedaCare, Respondent was required to enter into a Last Chance Agreement (“Agreement”) with ThedaCare which requires Respondent to take the following corrective actions:

- a. Avoid any unacceptable conduct while employed at ThedaCare, including hugging, kissing, or expressing affection to patients;
- b. Participate in regularly scheduled meetings with ThedaCare’s Chief Medical Officer or his designee to discuss Respondent’s ongoing compliance with the Agreement;
- c. Serve an administrative suspension until released to return to work with no threat or safety risk to patients. Two (2) weeks of the suspension shall be unpaid;
- d. Complete an evaluation through Physician Wellness Services, Minneapolis, Minnesota on or before July 6, 2010 (the “Evaluation”);
- e. Comply with all requirements of the Evaluation and any recommended treatment program (the “Treatment Program”) until complete;
- f. Provide a Return to Work form, pursuant to ThedaCare Policies;

- g. Cooperate and comply with any investigation and/ or recommendations/ sanctions imposed by the Medical Examining Board or other regulatory agency;
- h. Execute an Authorization to Release Medical Records to Dr. GL and Dr. MH for all treatment related to this Agreement;
- i. Comply with all ThedaCare Policies and Procedures; and
- j. Have no professional contact (physician-patient relationship) with the patients involved in the two (2) circumstances of unacceptable conduct, except in cases of emergency when no other physician is available.

11. Respondent has complied with the terms of the “Agreement” and has taken the following steps to change and improve his practice:

- a. Submitted to evaluations by the Building Bridges to Productivity Program in Minneapolis, Minnesota, and ThedaCare’s Physician Wellness Services Program and has complied with the recommendations from each of these programs.
- b. Successfully completed a Professional Boundaries Course conducted by Dr. John J. Hung. This program involved four, one-on-one sessions with Dr. Hung that took place between July 5, 2010 and October 10, 2010 and totaled 12 hours of time;
- c. Took an unpaid leave of absence from work from June 28, 2010 to July 19, 2010;
- d. Refrained from seeing any female patients without a nurse present;
- e. Ended his obstetrical and has limited his gynecological practice to the performance of breast examinations, pelvic examinations, taking of pap smears, insertion of IUDs and biopsies, all of which are performed with a nurse or nursing assistant present in the examination room.

12. Respondent has continually complied with the terms of the “Agreement” to the present time.

13. Respondent returned to work at ThedaCare on July 19, 2010, and there have been no problems with his behavior or conduct since that time.

14. Respondent has been cooperative during the investigation of this matter by ThedaCare, the Medical Examining Board and various evaluators.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3), and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in the conduct set forth in paragraph 7, above, engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2) (zd) and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

NOW THEREFORE IT IS ORDERED that the stipulation of the parties is accepted.

IT IS FURTHER ORDERED THAT Eugene C. Rigstad, M.D., is REPRIMANDED.

IT IS FURTHER ORDERED that Respondent's license to practice medicine and surgery in the State of Wisconsin is LIMITED with the following restrictions:

1. Within seven days of the date of this Order, Respondent shall provide a copy of this Final Decision and Order to his supervisory authority at ThedaCare in Appleton, Wisconsin. If Respondent changes his practice setting, he shall immediately provide a copy of this Final Decision and Order to his supervisory authority at the new location and shall notify the Medical Examining Board of his change of practice within five (5) days of such change.

2. Respondent's practice supervisory authority, who shall be a licensed physician and serve as Respondent's professional mentor, will meet with Respondent for an hour at least monthly and as frequently as the supervisory authority believes is appropriate. The supervisory authority shall provide quarterly reports to the Department Monitor, as directed, which shall include the dates of their meetings, an assessment of Respondent's work performance, provide details of discussions involving professional practice issues and shall include any complaints made against Respondent by patients or their families. It is Respondent's responsibility to ensure that the reports are submitted when due.

3. Within 30 days of the date of this Order, Respondent shall provide proof to the Department Monitor that he has begun or continued treatment with a psychotherapist or counselor approved by the Board or its designee to address appropriate patient-physician boundary issues.

4. The psychotherapist or counselor shall provide quarterly reports to the Department Monitor, which shall include how many sessions have been held that quarter and whether Respondent has been cooperative with treatment. It is Respondent's responsibility to ensure that the reports are submitted when due.

5. The Board recognizes the "Professional Boundaries" course completed by Respondent, but Respondent may not apply the hours of education taken toward satisfaction of the biennial continuing education requirements.

6. Respondent may not see any female patient in a clinical setting without the presence of a chaperone, nurse, or nursing assistant.

7. All requests, notices, reports and payments required by this Order shall be provided to:

Department Monitor
Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

8. Respondent's license to practice medicine and surgery in the State of Wisconsin will continue to remain in effect as long as he complies with the conditions as set forth above.

9. Respondent may petition the Board for removal of any or all of the above conditions after one year of continual compliance with the terms of this Order. As part of any petition, Respondent shall provide evidence, sufficient to the Board, that he is no longer required to comply with, or is in full compliance with, the terms of the Agreement identified in paragraph 10 of the Findings of Fact.

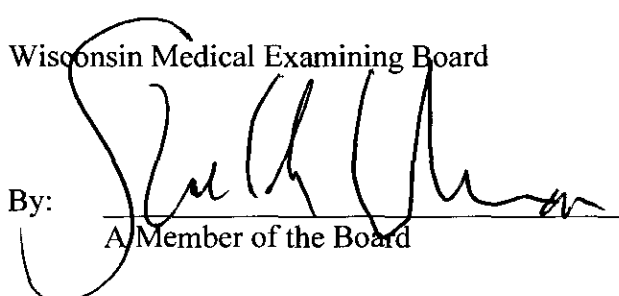
IT IS FURTHER ORDERED that pursuant to Wis. Stat. § 440.22(2), within six months of the date of this Order, Respondent shall pay to the Department of Safety and Professional Services the costs of this proceeding in the amount of \$1,800.00. Payment of costs shall be mailed or delivered to the Department Monitor at the address provided above.

Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as set forth above, Respondent's license (No. 28574-20) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By:


A Member of the Board

3/21/12
Date